

**COURT OF APPEALS
DECISION
DATED AND FILED**

May 18, 2010

David R. Schanker
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2009AP1811

Cir. Ct. No. 2005SC016264

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

DAVID L. WILLIAMS,

PLAINTIFF-APPELLANT,

v.

JANELL ENTERPRISES,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Milwaukee County:
JOHN SIEFERT, Judge. *Affirmed.*

¶1 FINE, J. David L. A. Williams appeals, *pro se*, the circuit court's small-claims order denying his motion to hold Janell Enterprises in contempt.

¶2 This appeal comes to us without transcripts. Thus, we do not know why the circuit court did what it did. Mr. Williams was notified by this court's order of November 30, 2009, that it was his responsibility, as the appellant, "to

ensure the record on appeal is complete.” He was also told: “When transcripts are missing from the record, we assume that they support affirming the circuit court’s determinations.” On January 4, 2010, Mr. Williams was again reminded that he had “to ensure any necessary transcripts were included in the record,” and was told that if he had not complied with the “new deadline” (extended at his request), “the appeal would proceed without transcripts.” The January 4 order also noted that the required statement that transcripts had been ordered “has not been filed, nor has an extension been sought.” Mr. Williams was, therefore, told that “[t]he appeal will proceed without transcripts.”

¶3 When transcripts are necessary to determine whether an appeal has merit, as they are here, and those transcripts are not included in the appellate Record, we assume, as Mr. Williams was warned, that the circuit court did not err. *See Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233, 239 (1979). It is, of course, the appellant’s burden to show that he or she is entitled to relief. Mr. Williams has not carried that burden. Accordingly, we affirm.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

